

REMARKS

In accordance with the foregoing, claims 1, 2, 4-10, 12, and 15-22 have been amended, and claims 1-22 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §101:

Claims 1-11 are rejected under 35 U.S.C. §101 "because the claimed invention is directed to non-statutory subject matter as follows. Claims 1-11 recite, "an information storage medium comprising a reproduction-only area in which a standard version number and a revision number different from the standard version number are recorded" which is alleged by the Examiner as failing to impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se."

For purposes of expedition, claim 1 has been amended to define:

"an information storage medium for use with a recording and/or reproducing apparatus, the information storage medium comprising:
a recordable area to record data information; and
a reproduction-only area to record standard version information
indicating at least one factor associated with data recording and/or reproduction
prescribed by a manufacturer, and revision information different from the standard
version information indicating an update to the at least one factor and also
prescribed by the manufacturer,
wherein the standard version information and the revision information are
used by the recording and/or reproducing apparatus to record and/or reproduce
data to and/or from the information storage medium."

As amended, claim 1 defines "structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized." MPEP 2106.01 (I). Further, claims 2-11 each depend on claim 1. Accordingly, the rejection of claims 1-11 under 35 U.S.C. §101 should be withdrawn for at least this reason.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-5, 7-8, 10-16, 18 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Maeda et al. (U.S. Patent No. 6,072,759) (hereinafter, "Maeda").

Claim 1

It is respectfully submitted that the Examiner has not shown where the prior art discloses each and every element of claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. Here, the Examiner asserts at page 3 of the Office Action that "regarding claim 1, Maeda et al. disclose an information storage medium (column 5, lines 21-30) comprising a reproduction-only area in which a standard version number and a revision number different from the standard version number are recorded (column 8, line 34-column 9, line 67)."

However, contrary to the Examiner's assertion, Maeda does not disclose the revision information recited by claim 1. Column 9, lines 9-58 and FIG. 9 of Maeda only describe and illustrate a variety of different types of physical format information recorded in a lead-in area of a DVD, including: a book type recorded at bits b4-b7 of byte 0, which serves as a disc identification code based on the DVD physical format (col. 9, lines 13-16); a version number recorded at bits b0-b3 of byte 0 (col. 9, lines 27-31); a disk size recorded at bits b4-b7 of byte 1 (col. 9, lines 32-34); a minimum lead-out rate recorded at bits b0-b3 of byte 1 (col. 9, lines 35-39); a number of layers recorded at bits b4 and b5 of byte 2 (col. 9, lines 40-44); a track path recorded at bit b3 of byte 2 (col. 9, lines 45-48); a layer type recorded at bits b0-b2 of byte 2 (col. 9, lines 49-51); a linear density recorded at bits b4-b7 of byte 3 (col. 9, lines 52-55); and a track density recorded at bits b0-b3 of byte 3 (col. 9, lines 56-58).

Moreover, the Examiner has not specifically identified which of these types of physical format information as disclosed by Maeda that anticipates the revision information as described in by claim 1. The Examiner has a duty to provide a "specific identification" of the ground of rejection relied upon in rejecting a new or amended claim, and further has a duty to provide "clear explanations of all actions taken by the Examiner during prosecution of an application" in order to "provide a complete application file history and to enhance the clarity of the prosecution history record." MPEP 707.07(f). Here, the Examiner has simply cited to approximately one hundred lines of disclosure which describe nine different types of physical format information, without specifically identifying which type or types of this information anticipates the revision information recited in claim 1.

Furthermore, assuming that the Examiner interprets the minimum lead-out rate in col. 9, lines 35-39 to anticipate the revision information (this assumption based on the Examiner's rejection of claim 12, in which the examiner cites to col. 9, lines 35-39 of Maeda as reading on the operation of recording a revision number), it is respectfully submitted that the minimum lead-out rate is not the same as the revision information recited by claim 1. Claim 1 now recites the feature that the revision information is information indicating "an update to the at least one factor and also prescribed by the manufacturer." The minimum lead-out rate information described in col. 9, lines 35-39 of Maeda does not indicate an update to at least one factor as recited by claim 1.

More importantly, the revision number according to the present invention may comprise a plurality of information including speed information. The revision number is distinguished from a standard version number. If an item is changed while the standard for an information storage medium keeps uniform, a revision number corresponding to the changed information is provided. A drive device, which records and/or reproduces data in a storage medium, recognizes changed information using the revision number and can adaptively record or reproduce data depending on the changed information. The revision number indicates a lot of information relating to recording/reproduction.

In view of these reasons, it is respectfully submitted that the rejection of claim 1 should be withdrawn for at least these reasons.

Claims 2-3

It is respectfully submitted that the rejections of claims 2-3 should be withdrawn for at least the same reasons that the rejection of claim 1 should be withdrawn.

Claim 4

It is respectfully submitted that the rejection of claim 4 should be withdrawn for at least the same reasons that the rejection of claim 1 should be withdrawn. Additionally, the Examiner appears to have accidentally mischaracterized claim 4. Claim 4 recites the feature that "the revision information is recorded in an m-th byte of the disk control data zone (emphasis added)." However, in rejecting claim 4, the Examiner states at page 4 of the Office Action that "Maeda et al. also disclose the version number is recorded in an m-th byte of the disk control data zone (column 8, line 34-column 9, line 67). Accordingly, the rejection of claim 4 should be withdrawn for at least this reason as well.

Claims 5, 7, and 8

It is respectfully submitted that claims 5, 7, and 8 are patentable for at least the same reasons that claim 1 is patentable.

Claims 10-11

It is respectfully submitted that claims 10-11 are patentable for at least the same reasons that claim 1 is patentable.

Claim 12

It is respectfully submitted that the Examiner has not shown where the prior art discloses each and every element of claim 12. Claim 12 now recites the operation of “recording revision information distinguished from the standard version information indicating an update to the at least one factor and also prescribed by the manufacturer in the reproduction-only area...”

Maeda does not disclose the operation of recording revision information indicating an update, as recited by claim 12. Accordingly, it is respectfully submitted that the rejection of claim 12 should be withdrawn for at least these reasons.

Claims 13-16

It is respectfully submitted that claims 13-16 are patentable for at least the same reasons that claim 12 is patentable.

Claim 20

It is respectfully submitted that the Examiner has not shown where the prior art discloses each and every element of claim 20. Claim 20 now recites “revision information different from the standard version information indicating an update to the at least one factor and also prescribed by the manufacturer.”

As explained above with respect to claim 1, Maeda does not disclose revision information indicating an update. Accordingly, it is respectfully submitted that the rejection of claim 20 should be withdrawn for at least these reasons.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 6 and 17

Claims 6 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,072,759) as applied to claims 1-5, 7-8, 10-16, 18 and 20 above, and further in view of Ohno et al. (U.S. Patent No. 6,628,602).

It is respectfully submitted that claims 6 and 17 are patentable for at least the same reasons that claims 1 and 12 are patentable.

Claims 9 and 19

Claims 9 and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,072,759) as applied to claims 1-5, 7-8, 10-16, 18 and 20 above, and further in view of Kondo et al (U.S. Patent No. 6,600,716).

It is respectfully submitted that claims 9 and 19 are patentable for at least the same reasons that claims 1 and 12 are patentable.

Claim 21

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,072,759) and Komoda et al (U.S. Patent No. 6,701,063).

It is respectfully submitted that the Examiner has not shown where the prior art discloses each and every element of claim 21. Claim 21 now recites "revision information different from the standard version information indicating an update to the at least one factor and also prescribed by the manufacturer."

As explained above with respect to claim 1, Maeda does not disclose revision information indicating an update. Accordingly, it is respectfully submitted that the rejection of claim 21 should be withdrawn for at least these reasons.

Claim 22

Claim 22 is rejected under 35 U.S.C. §103(a) as being unpatentable over Maeda et al. (U.S. Patent No. 6,072,759) and Okada et al. (U.S. Patent No. 6,148,140).

It is respectfully submitted that the Examiner has not shown where the prior art discloses each and every element of claim 22. Claim 22 now recites "revision information different from the standard version information indicating an update to the at least one factor and also prescribed by the manufacturer."

As explained above with respect to claim 1, Maeda does not disclose revision information

indicating an update. Accordingly, it is respectfully submitted that the rejection of claim 22 should be withdrawn for at least these reasons.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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